

May 30, 2018

Mr. Henry Leskinen  
Eco-Science Professionals Inc.  
P O Box 5006  
Glen Arm MD 21057

Re: Tagg Property, 12607 Manor Rd. Glen Arm MD 21057  
Forest Buffer Variance  
Tracking No. 03-18-2693

Dear Mr. Leskinen:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains submitted for the above referenced property. This request proposes the continued existing use of 1.79 acres of forest buffer for a Christmas tree farm operation and the mowing and maintenance of an existing pond and pond embankment as part of a two-lot minor subdivision to create separate lots for the two existing homes. The applicant proposes to cease mowing in all other non-forested areas within the required forest buffer. This measure will better protect the streams and non-tidal wetlands and allow non-forested buffer areas to naturally regenerate. The forest buffers are associated with tributaries to Long Green Creek (Use III waters). Forest exists along the majority of the stream on the southeastern part of the site.

This Department has reviewed your request, and has determined that a practical difficulty/unreasonable hardship does exist as complying with the full extent of the law would not allow operation of the majority of the tree farm that has been operated on the property for over 24 years. In addition, the pond berm requires routine maintenance to help prevent embankment failure. The potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Based on this review, the proposed continued existing agricultural uses in portions of the required forest buffer on this property meet the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The following notes must appear on all plans submitted for this project:
  - a. "On May 30, 2018, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains for the continued existing use of 1.79 acres within the required forest buffer for a tree farm and maintenance of the farm pond and pond berm. Conditions were placed on this variance to reduce water quality impacts."

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- b. "Other than the mowing, harvesting, and maintenance of conifers, all other forest buffer easement covenants, conditions, and restrictions shall be applicable. When the agricultural uses on the property that are the subject of this variance cease, the continued existing use areas within the forest buffer must be allowed to regenerate to forest, and the covenants, conditions, and restrictions would apply to the entire forest buffer easement."
2. The proposed mitigation for the continued existing agricultural uses within the required forest buffer shall be outlined in a forest buffer protection plan (FBPP). This plan must include details on the continued existing use areas and areas to be allowed to naturally regenerate within the required forest buffer as proposed in the variance submittal. The FBPP must be approved and the property must comply with all FBPP requirements prior to minor subdivision approval.
3. The required forest buffer easement(s) shall be recorded in Baltimore County Land Records along with the appropriate declarations of protective covenants, conditions, and restrictions prior to minor subdivision approval.
4. The forest buffer easement shall be permanently posted with "Forest Buffer - Do Not Disturb" signs as outlined in the FBPP required for this project.
5. It is recommended that the pond and pond berm be evaluated, as necessary, by a qualified professional so that pond components do not fail and cause environmental damage.
6. If types of agricultural uses or the areas of those uses change, a new variance to Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains may be required.
7. Any grading and sediment control plans, and building permits for this project must be reviewed and approved by this office.
8. All conditions of this variance must be completed to the satisfaction of this Department prior to minor subdivision approval unless otherwise stated above.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout or plan information may require approval of an amended variance request.

Please have the property owner sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

DVL: pad

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I/We agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains:

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Property Owner(s)

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Date

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Printed Name(s) of Property Owner(s)